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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,985	09/05/2003	Edward B. Boden	POU920030124US1	9696

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EXAMINER	
DWIVEDI, MAHESH H	

ART UNIT	PAPER NUMBER
2168	

MAIL DATE	DELIVERY MODE
02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/656,985	Applicant(s) BODEN ET AL.	
	Examiner Mahesh H. Dwivedi	Art Unit 2168	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: 1-19.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

TIM VO
SUPERVISORY PATENT EXAMINER
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Mahesh Dwivedi
Patent Examiner, AU 2168
2/2/06

Continuation of 11. does NOT place the application in condition for allowance because: Applicants request for reconsideration filed on 1/16/2007 is acknowledged, but is not persuasive. Applicant argues on Page 10 that "the Examiner rejects claims 11-17 as being allegedly directed the non-statutory subject area of electro-magnetic signals. The Applicants respectfully disagree". The examiner wishes to state that the potential amendment made to claim 11 ("medium" to "storage medium") would overcome the 101 rejections on claims 11-17. Applicant argues on Page 10 that "Java does not teach or suggest providing dynamic deployment of grid services over a computer network". The examiner wishes to direct the applicant to page 23 of the final office action mailed on 11/15/2006 (see "dynamic deployment has not been given patentable weight because the recitation occurs in the preamble") to address this issue. Applicant then goes on to argue on pages 10-11 that "Nor does Java teach installing grid artifacts in a directory located on a target hosting environment in response to an invocation...client system". However, the examiner once again wishes to refer the applicant to page 25 of the final office action mailed on 11/15/2006 to address this issue (see "peer-to-peer"). Applicant then goes on to argue on page 11 that "The reference teaches co-located (target/host/client), non-dynamic, and non-network based grid services. By contrast, the features recited in claim 1 are directed to an automated, remote, and dynamic deployment of grid services conducted over a network...There is simply no teaching anywhere in the Java reference of deployment of grid services over a computer network". However, in response to applicant's arguments, the recitation "dynamic deployment" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Moreover, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "automated") are not recited in the rejected claim(s) 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Regarding the argument about "There is simply no teaching anywhere in the Java reference of deployment of grid services over a computer network", the applicant is once again referred to page 25 of the final office action mailed on 11/15/2006 to address this issue (see "peer-to-peer"). Moreover, the examiner wishes to state that peer-to-peer communication must occur over a computer network. Applicant then goes on to argue on page 11 that "The Java reference fails to disclose this implementation as part of an operating grid service deployment system". However, the applicant is once again referred to page 25 of the final office action mailed on 11/15/2006 to address this issue (see "service implementation"). Applicant then goes on to argue on page 11 that "Java does not teach multiple simultaneous deployments as recited in claims 7 and 17". However, the applicant is once again referred to page 25 of the final office action mailed on 11/15/2006 to address this issue. Applicant then goes on to argue on page 12 that "there is no explicit teaching of a user interface anywhere in this reference...A user interface and application programming interface (API) are clearly not synonymous in the relevant art". However, the applicant is once again referred to pages 25-26 of the final office action mailed on 11/15/2006 to address this issue. The examiner further wishes to state that Java clearly teaches a user interface "see GUI". The examiner further wishes to state that a GUI is a graphical user interface. Applicant then goes on to argue on page 12 that "Neither reference teaches an grid-undeployment service to accomplish an automated and dynamic un-deploy service over a network". However, the applicant is once again referred to page 26 of the final office action mailed on 11/15/2006 to address this issue.